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Attorney for Defendant  
Jon Christen Foster

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA )  
Plaintiff, )  
vs. )  
JOHN CHRISTEN FOSTER )  
Defendant. )  
CR NO. 08-00177-SBA  
STIPULATION AND ORDER  
REGARDING SENTENCE REDUCTION  
UNDER U.S.S.G. § 1B1.10(b)(1) (AS  
AMENDED BY 750, PARTS A & C)

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting through their respective counsel, that:

1. The defendant is making an unopposed motion for a modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).
2. Defendant's original guideline calculation was as follows:

Total Offense Level: 27

Criminal History Category: I

Guideline Range: 70-87

Mandatory Minimum: n/a
3. Defendant was sentenced to 80 months imprisonment on September 16, 2008.
4. According to the Bureau of Prisons, defendant's current projected release date is January 20, 2014.
5. Effective November, 1, 2011, defendant is eligible for a modification of his sentence pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A and

1 C, of the United States Sentencing Guidelines Manual.

2 6. Defendant's revised guideline calculation is as follows:

3 Total Offense Level: 23

4 Criminal History Category: I

5 Guideline Range: 46-57 months

6 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the  
7 Court by the probation office.

8 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order  
9 reducing defendant's sentence to 51 months.

10 9. The parties further stipulate that all other aspects of the original judgment order including  
11 the length of term of supervised release, all conditions of supervision, fines, restitution, and  
12 special assessment remain as previously imposed.

13 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant  
14 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220 (2005)  
15 and *Kimbrough v. United States*, 128 S.Ct. 558 (2007).

16 11. Defendant waives his right to appeal the district court's sentence.

17 12. Accordingly, the parties agree that an amended judgment may be entered by the Court in  
18 accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG § 1B1.10(b)(1),  
19 Amendment 750, Parts A and C, of the Sentencing Commission Guidelines Manual. The  
20 parties agree that a proposed amended judgment will be submitted to the Court by the  
21 probation office, along with the Sentencing Reduction Investigation Report.

22  
23 IT IS SO STIPULATED:

24 Date: 1/17/12

25 \_\_\_\_\_/s/  
26 Alan A. Dressler  
27 Attorney for Defendant Foster

28 Date: 1/17/12

\_\_\_\_\_/s/  
J. DOUGLAS WILSON  
Assistant United States Attorney

## ORDER

Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED that the defendant's sentence is reduced to 51 months; and it is further ORDERED that all original conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

Date: 3/31/12

Saundra B Armstrong  
Saundra Brown Armstrong  
United States District Judge